IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

Bail Appl..No. 168 of 2007()

AGAINST THE ORDER IN BA.7293/2006
CRIME NO.517/05 OF SULTHAN BATHERY POLICE STATION

.....

: PETITIONER/ACCUSED

K.PRASHEETH KUMAR,
S/O.ARAMUGHAM, ANDISSERY HOSUE, AMBUKUTHI,
P.O.THOBARI MOOLAM, SULTHAN BATHERY TALUK,
WAYANAD DISTRICT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT & STATE

---

1. DEPUTY SUPERINTENDENT OF POLICE,
C.B.C.I.D. KOZHIKODE.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 168 OF 2007 A

Dated this the 16th day of March, 2007

O R D E R

Petitioner, who is the 2nd accused in Crime No.517/2005 of Sulthan Bathery Police Station and subsequently taken over by C.B.C.I.D., Kozhikode as Crime No.78/CR/S(III)/06 for offences punishable under sections 489B, 489C and 420 read with section 34 IPC, seeks anticipatory bail.

2. The case of the prosecution is that on 20.12.2005 at about 10.15 p.m. the first accused in the case rendered a currency note of Rs.1,000/- denomination to the cashier of a resort hotel at Sulthan Bathery, after consuming liquor from their bar and the cashier found that the currency note given by the first accused was a counterfeit note and returned the same to the first accused, who produced another currency note of Rs.1,000/- denomination, which was also a fake note and the police was informed and the police found that they were counterfeit notes and on interrogation the first accused stated that the currency notes were given to him by the second accused namely, the petitioner herein.

3. An earlier application for anticipatory bail filed by the petitioner as B.A.No.7293/06 was dismissed by this court as per order

dated 8.12.2006 directing the petitioner to surrender before the concerned Magistrate and seek regular bail within three weeks from that date. Without availing of the benefit of that order, the petitioner has again approached this court with the present application for anticipatory bail.

4. Even assuming that Sasikumar was stated to be accused in Cottonpet Police Station in Karnataka for the same offence is not the petitioner, it is too early to accept the petitioner's contention that he has been falsely implicated in the case. I am not inclined to grant anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, this application is dismissed.

(V. RAMKUMAR, JUDGE)

aks